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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,310	02/20/2002	James T. Sturdy	H0003208	8188

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Honeywell International Inc.
Law Department
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EXAMINER

DENNISON, JERRY B

ART UNIT PAPER NUMBER

2143

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,310

Applicant(s)

STURDY ET AL.

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/22/07, 02/11/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Application Number 10/080,310 received on 20 February 2002.
2. Claims 1-22 are presented for examination.

Claim Objections

Claim 6 is objected to because of the following minor informalities: Claim 6 recites "wherein the messages comprises". Examiner will interpret the limitation as "wherein the messages comprise". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the available networks" in line 5 of page 1 of the claims. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
5. Claim 1 recites the limitation "the selected data link" in line 7 of page 1 of the claims. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

6. Claim 1 recites the limitation "the selected data link network" in line 16 and line 17 of page 1 of the claims. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

7. Claim 1 recites the limitations, "formatting the messages for delivery to or from the selected end system apparatus; and routing the messages to or from the selected end system based on dynamic routing criteria". It is unclear to Examiner how it is possible to format messages for delivery **"to"** a selected end system apparatus and then to route the messages **"from"** the selected end system. Appropriate correction is required.

8. Claim 4 recites the limitation, "wherein the ad hoc messages comprise civil air traffic control information." It is unclear to Examiner what this air traffic control information consists of. Examiner was unable to locate in the specification what civil air traffic control information is.

9. Claim 5 recites the limitation, "wherein the dynamic routing criteria comprise priority, security, urgency, size and bandwidth". It is unclear to Examiner what this routing criteria is referring to (in other words, priority of what?).

10. Claim 6 recites the limitation, "wherein the step of routing the message to or from the selected data link network comprises routing the message to an alternate data link network if the selected data link network malfunctions." It is unclear to Examiner how it is possible to route a message "**from**" the selected data link network if the selected data link network malfunctions. Appropriate correction is required.

11. Claim 9 recites the limitation, "constructing and transmitting a communication status message that comprises the computed communication performance indicator." It is unclear to Examiner where this status message is transmitted and for what purpose.

12. Claims 10 and 22 recite limitations similar to those of claim 1. It is unclear to Examiner how it is possible to format messages for delivery "**to**" a selected end system apparatus and then to route the messages "**from**" the selected end system. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-13, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Doviak et al. (U.S. Patent Number 6,418,324).

13. Regarding claims 1, 10, and 22, Doviak disclosed a method of integrating multiple military and civil data link networks, and automatically selecting one of the available networks, and then routing a message to the selected data link, the method comprising the steps of:

a) providing at least one data link network, each data link network comprising a means to transmit and receive civil and military messages (Doviak, col. 4, lines 20-25);

b) sending and receiving the message through a physical interface between communication data link equipment and a host computer (Doviak, col. 4, line 65 through col. 5, line 3);

c) formatting the message for delivery to or from the selected data link network (Doviak, col. 5, lines 25-35, col. 6, lines 1-5); and

d) routing the message to or from the selected data link network based on dynamic routing criteria (Doviak, col. 6, lines 5-10, 35-43).

Claim 10 includes a method and claim 22 includes an apparatus, both including limitations that are substantially similar to those of claim 1 and therefore claims 10 and 22 are rejected under the same prior art as being substantially similar.

14. Regarding claims 2 and 11, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including the step of translating civil data link network messages into military data link network formats and translating military data link network messages into civil data link network formats (Doviak, col. 5, lines 25-35, col. 6, lines 1-5).

15. Regarding claims 3 and 12, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including the step of extracting information from the civil and military messages for use in constructing ad hoc messages (Doviak, col. 6, lines 1-20).

16. Regarding claims 4 and 13, Doviak disclosed the limitations, substantially as claimed, as described in claims 3 and 12, including wherein the ad hoc messages comprises civil air traffic control information and operational control and maintenance information (Doviak, col. 6, lines 1-20).

17. Regarding claim 6, Doviak disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the step of routing the message to or from the selected data link network comprises routing the message to an alternate data link network if the selected data link network malfunctions (Doviak, col. 35, lines 56-65).

18. Regarding claims 7 and 19, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including the step of determining a number of available data link networks, a type of each available data link network, and a working status of each available data link network (Doviak, col. 36, lines 5-45, Fig. 34, Doviak disclosed keeping a database of available networks and their status).

19. Regarding claims 8 and 20, Doviak disclosed the limitations, substantially as claimed, as described in claims 7 and 19, including the step of computing a single communication performance indicator for the available data Link networks (Doviak, col. 36, lines 5-45, Fig. 34, Doviak disclosed keeping network status in a database).

20. Regarding claims 9 and 21, Doviak disclosed the limitations, substantially as claimed, as described in claims 7 and 19, including the step of constructing and transmitting a communication status message that comprises the computed communication performance indicator (Doviak, Fig 34, 346, col. 37 lines 50-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doviak in view of obviousness.

21. Regarding claims 5 and 18, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including wherein the dynamic routing criteria comprise priority and bandwidth (Doviak, col. 35, lines 35-55 and 5-25). Doviak does not explicitly state wherein the dynamic criteria comprise security, urgency, and size. However, Doviak does suggest other metrics to base the criteria on (Doviak, col. 35, lines 40-41). Therefore it would have been obvious to include other criteria such as security, urgency, and size for routing message for the purpose of providing users with transmission of messages between networks in a more secure and efficient manner, giving users greater control over their hardware and software (Doviak, col. 4, lines 45-51).

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doviak in view of Hansen (U.S. Patent Number 6,697,871).

22. Regarding claim 14, Doviak disclosed the limitations, substantially as claimed, as described in claim 12. Doviak does not explicitly state further comprising the step of analyzing the extracted information from each end system message to determine trend information over a predefined time period. In an analogous art, Hansen disclosed a distributed-network analyzing console that collects information from a wide source of

local area networks (Hansen, col. 5, lines 1-6) in which performance management tools provide for analyzing of network utilization and trends and identifying performance bottlenecks (Hansen, col. 5, lines 39-43). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the teachings of Hansen into Doviak to provide agents in network devices such as hubs, routers, and switches to collect and maintain MIB information in order to provide statistics that enable determination of historical trends (Hansen, col. 1, lines 55-65).

23. Regarding claim 15, Doviak and Hansen disclosed the limitations, substantially as claimed, as described in claim 14, including the step of constructing a trend message (Hansen, col. 5, lines 49-55). See motivation above.

24. Regarding claim 16, Doviak and Hansen disclosed the limitations, substantially as claimed, as described in claim 14, including the step of computing alerts and decision aides from the extracted information based upon predefined criteria (Hansen, col. 5, lines 49-51). See motivation above.

25. Regarding claim 17, Doviak and Hansen disclosed the limitations, substantially as claimed, as described in claim 16 including the step of constructing an alert and decision aide message (Hansen, col. 7, lines 34-35).

Conclusion

It is presumed that claims 1-9 and 22 invoke "means plus function" language and interpretation in accordance with 35 USC 112 sixth paragraph. In order to verify and ascertain the metes and bounds of the claimed invention, Applicant is requested to isolate the portion(s) of the specification which dictates the structure relied on for proper interpretation if this presumption is appropriate.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

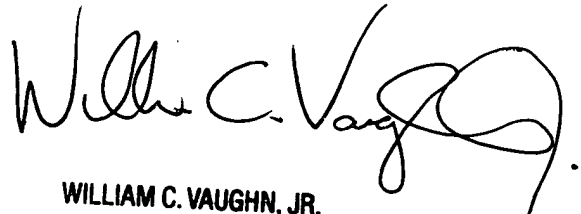
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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